

The Assembly met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

Mr. Speaker: — Question period will be at 2 p.m.

MINISTERIAL STATEMENTS

Auto Fund Annual Report — Tabling

Hon. Mr. Taylor: — Mr. Speaker, it's my pleasure today to present to this Assembly the annual report of the Saskatchewan auto fund for the fiscal year ending December 31, 1987.

As members know, the auto fund provides Saskatchewan's program of universal automobile insurance — your plate insurance, as it is commonly known. While it is administered by SGI (Saskatchewan Government Insurance), I emphasize that the auto fund operates separately from SGI's general insurance business, and as a monopoly, the auto fund is designed to break even over time.

Mr. Speaker, members of this Assembly are well aware of the difficulties the auto fund has been experiencing due to rising class of claims, especially liability claims, and the 1985 decision of the former public utilities review commission. As a result, the auto fund recorded a \$6 million operating deficit in 1986, and a 28.7 million deficit for '87.

Mr. Speaker, it is important that members of this Assembly and motorists throughout Saskatchewan fully appreciate . . .

Mr. Speaker: — Why is the member on his feet?

Mr. Tchorzewski: — I appreciate the minister's desire to make a speech in the House, but, Mr. Speaker, my point of order is simply this: it is highly unusual — if you will check the rules and requirements for ministerial statements — it's highly unusual to have a ministerial statement simply to table an annual report.

I've listened to the minister in his remarks, and he is simply referring to his annual report and the tabling of the annual report. I believe that's out of order. I ask you to rule on that, Mr. Speaker, and determine whether the minister has the privilege to make a ministerial statement, which quite frankly in this House in the last session, in this past session, has become a very frivolous use of time by ministers, and I think it's time that you put your foot down and dealt with it.

Hon. Mr. Taylor: — I believe, Mr. Speaker, that something that is as important as the auto fund, and the operation of that, is something that is well worthy to be discussed and put forward in this chamber in a ministerial statement. I ask your permission to continue.

Hon. Mr. Berntson: — Mr. Speaker, we would be very, very happy to make your life easy, and of course the antagonistic mentality that seems to be developing ought

to be avoided at almost any cost. And my friend from Quill Lakes, I think, agrees with me, Mr. Speaker. So I'm going to invite my friend and colleague, the member for Indian Head-Wolseley, to simply withdraw his ministerial statement and take it directly to the media, Mr. Speaker.

Mr. Speaker: — Order, order. Order, order, order. I have listened to the point of order, and I have listened to the responses to the point of order. Generally speaking, ministerial statements have always been brief and factual and have pertained to some particular government policy of a specific nature. I appreciate the fact that the minister has withdrawn his ministerial statement.

Mr. Tchorzewski: — Just for the well-being and the good operation of the House in future, I still think, Mr. Speaker, we need a ruling from you, and whether you do it today or come back tomorrow on this issue . . . It's not of concern to me that the minister has something to say, because I am sure we will have something to say about what he has to say.

What is of concern to me, Mr. Speaker, is how this House is going to function in this session and in future sessions. And I think, from your position in the Chair, you should clarify what constitutes a ministerial statement so that in future we know what to understand and so that we don't get into this kind of a log-jam.

And so . . . You have not made that ruling, and if you wish to take it under advisement and come back, I would appreciate it, and so would the other members of this House, particularly on this side.

Hon. Mr. Berntson: — Mr. Speaker, I'd be happy to support my friend, the member for Regina North East, in having you set out what constitutes a ministerial statement.

Having said that, I think he put you in a most difficult position to rule on what may or may not be a ministerial statement when you haven't yet heard it, Mr. Speaker.

Mr. Speaker: — I believe we can cover this if we simply refer to a previous statement found in the Votes and Proceedings of June 10, 1988. I will just read two or three statements from that ruling, and I believe that that will cover off the question that the hon. members are asking.

The Speaker emphasized that both the Government and the Opposition contribution should be brief and factual. The purpose of the ministerial statement is to convey information, not to encourage debate.

This is based on Standing Order 15 of the House of Commons, which I quote:

On statements by Ministers . . . a Minister of the Crown may make a short factual announcement or statement of government policy.

It goes on further to indicate that the ministerial statement which was under question at the time did not convey a

new government policy and therefore it was ruled out of order. And on that basis, if the hon. member's alleged ministerial statement did not convey new government policy, it was out of order.

(1015)

ORDERS OF THE DAY

Mr. Goulet: — I would ask leave, Mr. Speaker, to introduce some visitors.

Leave granted.

INTRODUCTION OF GUESTS

Mr. Goulet: — Yes, I would like to introduce to you and through you, Mr. Speaker, a visitor, Chief Art Kaisowatum and band members up in the gallery. We'd like to give the usual welcome to them in this House.

Hon. Members: Hear, hear!

COMMITTEE OF FINANCE

Consolidated Fund Budgetary Expenditure Indian and Native Affairs Secretariat Ordinary Expenditure — Vote 25

Hon. Mr. Hodgins: — Thank you, Mr. Chairman. I would, indeed, like to introduce my officials. Seated right next to me is Ron Scrimshaw, the acting secretary for Indian and Native Affairs Secretariat; behind me are Lorri Lampard, senior fiscal and strategic planning analyst, as well as John Reid, director of Indian economic development. Other officials attending today are Jerry Walsh, director of native services; Doug Drummond, director of lands and resources; Eugene Larocque, director of native economic development, as well as Marian Dinwoodie, senior policy analyst and special projects.

And I, Mr. Chairman, would like to pay tribute to the staff at Indian and Native Affairs Secretariat. I have only worked with them for a few short months, but I have found them to be indeed most professional, and I commend all of them on their work.

Mr. Chairman, I am pleased to be here to introduce the estimates for the 1988-89 fiscal year, of Indian and Native Affairs Secretariat. I welcome this opportunity to review the many accomplishments that we have had in Indian and Native Affairs portfolio.

Mr. Chairman, the Indian and Native Affairs Secretariat is the agency which co-ordinates and promotes government programs and policies related to the social and economic development of Indian and native peoples. Among the key responsibilities of the secretariat is the co-ordination of Indian and native program and policy activities between provincial governments, between the federal and the provincial governments, and between both the public and the private sector.

The secretariat has the lead role within government in working with the federal government and Indian bands on treaty land entitlement.

In addition, the secretariat maintains a program delivery function in economic and career development. During the past year, a great deal has been accomplished by aboriginal peoples and government. In 1983-84 this government established an Indian economic development program to assist Indian people to become involved in business ventures.

During the past five years, the provincial government has made contributions of 8.4 millions of dollars to the Indian economic development program. That program has funded 321 Indian businesses. It has created more than 1,700 jobs for Indian people in manufacturing, tourism, agriculture, arts and crafts, and many service industries. Much of this funding provided has been instrumental in the development of these businesses.

The provision of this funding has levered an additional \$27.8 million from other sources, including the federal government, banks, and the private sector. And I am pleased, Mr. Chairman, to report that the majority of these businesses are successful and the success is due ... and the credit must go to the Indian entrepreneurs.

Through a second area, the Special Agriculture and Regional Development Agreement, Special ARDA, which was extended in 1987 for an additional two years, further economic development initiatives have been supported. This federal-provincial agreement has continued to provide funding to aboriginal people for business and resource development as well as training services.

Under the Special ARDA program or agreement, a total of 42 projects were funded during the 1987-88 fiscal year. Mr. Chairman, the Government of Saskatchewan is proud of the successful Indian and native initiatives mounted under these programs. These initiatives are to the economic development benefit of the aboriginal community and to the province as a whole.

During 1987-88 the native services branch of the Employment Development Agency was moved over to the Indian and Native Affairs Secretariat as part of government reorganization. The native career development program trains native individuals for permanent full-time positions in private sector businesses, Crown corporations, certain non-profit organization such as municipal governments, boards, and various commissions.

Since 1983 the program productivity has increased from 85 training and employment opportunities to more than 500 in 1987-88. The province, Mr. Chairman, remains committed to seeking a resolution to outstanding treaty land entitlements, as we realize, of the fundamental importance of this issue to native people. The province recognizes the federal government's lead responsibility in this important area and continues to work in close co-operation with the federal government and Indian bands.

This government, Mr. Chairman, also recognizes the important contribution of Indian and Metis women in our province. In this regard, the Indian and Native Affairs Secretariat has continued to provide funding support for

the Saskatchewan Indian (Native) Women's Association and the Aboriginal Women's Council of Saskatchewan.

In summary, Mr. Chairman, the provincial government, through its Indian and Native Affairs Secretariat, will continue to work closely with aboriginal people to discuss issues of mutual concern.

Thank you, Mr. Chairman.

Item 1

Mr. Goulet: — Mr. Chairperson, first of all, I would like to also, in regards to the staff of Indian and Native (Affairs) Secretariat, to acknowledge, you know, the work that they have done in the past year, because one well knows that the material support services that you do have, which put you under a tremendous amount of stress to be able to deal with economic, socio-cultural, and other issues as well. So I too would like to congratulate the staff for their perseverance.

In regards to the first part, I will deal with the . . . some nitty gritty information, first of all, in regards to the Indian and Native Secretariat. And since we started out with congratulating the staff, you sent me some information on the salaries and the specific amount of money, I guess, that have been paid to the Indian and Native Secretariat staff.

I'm just wondering, in regards to the existing staff that you have, how many of those people have received raises this past year, and what amounts were the raises on the existing staff you had?

I recognize you have new staff, and maybe the second part of the question is on the new staff that came in on this year: what are their salary levels in comparison to the previous position that was there before?

Hon. Mr. Hodgins: — Thank you, Mr. Chairman. For the member's information, I am advised that there were a few reclassifications. I believe four or five individuals received reclassifications. Other than that, salary increases per se, the only increases were 2 per cent performance merit increase that went to out-of-scope employees. So that was, once again, 2 per cent.

As far as the new staff goes, I can get that information and provide that to you. There was only a few new people hired in the year, and I'll send that information to you on their salary levels.

Mr. Goulet: — Okay, then I would like to get some information in regards to the four or five reclassifications. What was their previous classification, what's the new classification, and also what was the increase in the amount on the change to the new classification? Could I get that information?

Hon. Mr. Hodgins: — In the interest of time, I would suggest that we send that information to you, and we will work on it here and send it over to you.

Mr. Goulet: — Other more specific items relate to the following questions. I would like to have an itemized list

of facilities provided by your department to Saskatchewan Property Management Corporation. Along with that I would like the number of square feet, or in the case of parking lots the number of stalls, in each of the facilities outlined in question number one.

Number three, in those instances where the facility is not leased, would you indicate the amount which the department is paying the Saskatchewan Property Management Corporation for its use today, and how much was paid in the fiscal year of '87-88.

And number four, in the case of all the facilities outlined above, would you indicate the use each is presently being put to.

And the last question in this series is: provide an itemized list of services being provided by the Saskatchewan Property Management Corporation and the amount being charged to the department for those services today, and as well, how much was paid in the fiscal year '87-88. So I could get those questions answered as well.

(1030)

Hon. Mr. Hodgins: — Okay, there's not a long list here of facilities or services that we rent from Saskatchewan Property Management, but as you will know, with a reorganization in government, SPMC (Saskatchewan Property Management Corporation) now rents space and provides services to most government departments.

And within Indian and Native Affairs Secretariat, we do rent space in Regina here, at Saskatchewan Place, the third floor; that's 511.7 square metres. We also rent space at the Crow Stand Centre in Kamsack, 14.7 square metres; the R.M. office in Fort Qu'Appelle, 11.7 square metres; Arlington Building in Saskatoon, 84.2 square metres; the E. A. Davies Building in Saskatoon, 257.65 square metres.

The other service that is provided by property management is mail services, and for those mail services we pay a total of \$8,300. The rental spaces that I just outlined, the rental amount is a total of \$129,500.

You had asked about the number of parking stalls, and you'll be pleased to know that in Regina we have a total of 12 parking stalls. In Saskatoon, it is scramble parking. If there's any other specific information, please ask.

Mr. Goulet: — Mr. Chairperson, I will now direct my questions in the area of the importance of the cultural heritage of Indian people in this province and whether or not there is a strategy from your department to deal with this issue.

I will deal with a couple of cases first that, you know, have been occurring in the past. One was in relation to the North Battleford case where a lot of the Indian heritage that was collected by a private collector could have been purchased by this government. And it so happened that that was not done. Instead the Alberta government helped out another private collector in Alberta to transfer part of our Saskatchewan Indian cultural heritage which will now be leaving the province.

And I was wondering whether or not, since you are responsible also in the area of cultural heritage in an indirect way, because you could deal with, you know, the culture and recreation department or the tourism department, you know, to deal with this issue, but you would play the lead role in regards to being the critic in charge of Indian and Metis issues.

My question to you is this: what plans have you got in recovering this Saskatchewan Indian cultural heritage in the North Battleford area and bringing it back home under the control of the Indian people in North Battleford area?

Hon. Mr. Hodgins: — Thank you, Mr. Chairman. I too share the member's concern, on behalf of not only Indian and native people but all the people of Saskatchewan, that cultural artefacts be retained within the province of Saskatchewan. And when a major collection or very unique pieces leave the province, it's certainly a concern to me.

On the specific issue that arose in North Battleford, I can tell you that I am not totally familiar with all the details. I do know that this has been a subject of debate in the legislature, and the prime responsibility, of course, is with my colleague in Parks and renewable resources, and, to a certain extent, Tourism. I, although, do feel responsible to ensure that major collections like these do not leave the province *en masse*.

I can tell you that over the years we have provided various grants and funding directly to Indian people for the retention of Indian artefacts or cultural type of items. And when I look at the area of Battleford, I recall that in 1986-87 fiscal year, the Battlefords Treaty 6 Tribal Council was issued a grant in the neighbourhood of \$41,000 for the development of an authentic Indian village. I do know that those moneys were very much appreciated in that area. I trust that they were very well spent.

And I could list other areas or other examples where we have expended moneys, but I will give the member my assurance that within the Indian and Native Affairs Secretariat we try to keep abreast of Indian artefacts leaving the province, and we want to do everything that we can to encourage the retention of artefacts of that sort.

Mr. Goulet: — My specific question was: do you have a specific plan to deal with the particular case in North Battleford? Since you told me that you do not know that much about the case, are you willing to find out more about the case and then go back and deal with that specific one?

Hon. Mr. Hodgins: — Yes indeed I would be pleased to, and I have chatted briefly with my colleagues about the case, but indeed I will instruct my officials to follow that case up. I'm frankly not certain that there is much we can do.

However, you do raise a good point, and I certainly will make the commitment that we will follow through and just explore if there are any alternatives and if we may

indeed bring back those artefacts. But I will make you that commitment, and I will also commit to keeping you informed of our progress.

Mr. Goulet: — The other issue that has crept up in the area of cultural heritage, Indian cultural heritage, in the province has been in relation to the exposure of new Indian artefacts as a result of the drought and the sand blowing in the ... (inaudible) ... An archaeologist from the province has stated very clearly that some of these artefacts were now being taken away and being removed. And there was very deliberate concern again that the province was not dealing with this specific issue.

Could you tell me, and I notice now that the Minister of Culture and Recreation is right beside you, do you have a specific plan to deal with this particular issue that has been raised in the past month?

Hon. Mr. Hodgins: — Thank you, Mr. Chairman. Indeed you bring up another good point. I am advised from my colleague, the Minister of Parks and renewable resources that indeed, when this situation arose, and with the dry year that we have been having, there have been a number of Indian artefacts that have risen to the surface when all the dust has been blowing. And the minister has issued a release. It has been carried in the media quite extensively that these artefacts that surface do indeed belong to the people of Saskatchewan, and it has been well publicized.

So I want to congratulate my colleague, on behalf of the people of the province and the Indian people, that indeed we are taking steps to ensure that these artefacts are known to be the property of the people of Saskatchewan.

Mr. Goulet: — There was also another specific proposal in relation to the museum on College and Albert, the aspect of Indian artefacts within the museum. There was a proposal that some of the museum pieces were being stores away, and there was a two-set proposal: one, that there should be a connection between the artefacts and Indian cultural tradition and the prayers and the blessings that go along with the artefacts. And there are a lot of elders in this province who know about, you know, the coming, not only just the artefact aspect, but the cultural tradition as well.

And I was wondering — there was a proposal by one of the banks in this area to come out with a special blessing from the different elders from all the Indian nations in this province, and that there was a cost attachment to that. And I was wondering, since you have the cultural and recreation minister right besides you there again, what plans are there to proceed with this issue, this very specific issue?

Hon. Mr. Hodgins: — As you can well appreciate, various departments of government receive many proposals, and I'm sure my colleague, the member for Turtleford, is no exception. And I would say that neither of us have had this proposal brought before us. I certainly have not met with the proponents of the idea, neither has my colleague. But it does indeed sound like an interesting proposal, and I wish you could provide to me the names of the individuals and I would be quite prepared to meet with them to explore further their suggestion.

(1045)

I am advised by my colleague that Indian art works and artefacts are displayed currently in this very building in which we are speaking, and there is an expansion to that display planned. And I'll be pleased to work with my colleague in expanding the Indian art works that will be displayed in the legislature of Saskatchewan.

Mr. Goulet: — One more question in relation to that. Part of the Saskatchewan policy in relation to the protection of our cultural heritage is a two-pronged strategy where you have museums, you know, on more or less centralized levels to deal with the issue. Then there is a local strategy where individual communities start taking part in the protection of their cultural heritage at the community level. Do you see a similar strategy in relation to the reserves and other native communities in the province, to proceed in conjunction with the museum's approach, and so on, and have it done at the local level? Is that one of your policies then?

Hon. Mr. Hodgins: — I understand that there is . . . over history, has been fairly successful initiatives undertaken, both . . . well primarily by the federal government with respect to preservation of Indian culture. And I believe it was first established in 1971, the cultural education program. And I'm sure you'll be well familiar with the Saskatoon Indian . . . or the Saskatchewan Indian Cultural College in Saskatoon, affiliated with Federation of Saskatchewan Indians. And I do believe that that college has gone a long ways to protecting and preserving Indian culture and cultural artefacts. Your question with . . . And we believe that that is the rightful place, the rightful place for the preservation of culture and cultural artefacts. And I don't think anyone knows any better than the affiliates or associates of FSIN (Federation of Saskatchewan Indian Nations) on how to preserve those types of artefacts.

With respect to your question of on-reserve collections or preservations, we very strongly support that. As far as putting direct dollars into the preservation of artefacts on reserves, I don't know that we can allocate any more than we do to a program such as that. I think Indian people well recognize their own individual responsibility to play a part in preserving their cultural and their cultural artefacts. I do believe also, for the most part, they do a very good job of that.

So I say to you that we're certainly pleased and proud of the preservation thus far. I strongly encourage preservation by all Indian people of these cultural artefacts and, indeed, their culture that goes right along with. Thank you.

Mr. Goulet: — I would like to state that preservation of cultural heritage in the province of Saskatchewan is not only something that is supported by word — it has to be supported by action in regards to material resources to be done, not only at the centralized level but at the decentralized level, just as is done for other cultural heritages in this province. And I would like to see that in action for the future. I'm not going to be debating that point.

One of the key things that are very important in the aspect of cultural heritage is the tie in from Indian people and the land issue. And the land issue is probably one of the foremost issues ever since the signing of the treaties, and even prior to the treaties — even back in the 1700s. The land issue has remained one of the top-notch issues that exists.

And with just those introductory comments, I'd like to pass it on to my colleague from Riversdale to deal with the issue of land.

Mr. Romanow: — Thank you very much, Mr. Chairman, and Mr. MLA. I'd like to direct a few questions to the minister in charge of the secretariat, but before I do, I want to stage the background for my questions. If my background is erroneous, I would invite of course the minister and his officials to correct me. This deals with the question of treaty and land entitlements.

As I understand the situation, in 1930 the federal government at Ottawa, in the enactment of The Natural Resources Transfer Agreement Act, transferred certain rights and properties to the provinces, one of which of course is the province of Saskatchewan. With that transfer was set out the legal obligation in that Act — I would argue the constitutional obligation higher than legal — that Crown lands would be used in the fulfilment, notwithstanding the transfer of the land from Ottawa to the provinces, in the fulfilment of the federal government's or Ottawa's overarching constitutional obligation or special relationship with the Indian peoples of this country.

This statutory provision has been further buttressed — its importance — by the subsequent constitutional discussions of the 1979 to 1982 period, culminating in 1981-82 with the insertion in the Canadian Charter of Rights and Freedoms of section 35, a section which in effect confirms the treaty rights, or, if you will, the treaty obligations on the part of the federal government with respect to native people generally, but speaking here for the moment about treaty Indian people.

So clearly, as I understand the historical development of the law, there is a strong constitutional legal obligation, primarily on the federal government, but very closely followed by the provincial government by virtue of the provisions of The Natural Resources Transfer Agreements Act, and other conventions of constitution, that treaty obligations and land entitlements be fulfilled.

I would say to the members of the House this is not a wish; it's not in the category even of a mere statue; it's in a category according to the parliamentarians over years, according to the Indian interpretation of the way treaties developed and the seeding of rights. This is something higher. This is in the category of constitutional obligation. I would even argue that one could submit the view that it is in the category of a moral obligation, in addition to the constitutional and legal obligations that I have set out.

Sadly we have, all of us, been very slow in the fulfilment of those obligation and moral rights. In 1976 the provincial government of Saskatchewan, in concert with the federal government at Ottawa and the Indian

governments here in Saskatchewan as represented by the FSIN, reached an agreement in principle and in specifics on a formula which would begin to start the transfer of land entitlements to Indian bands pursuant to those constitutional obligations which I have just set out earlier.

I think that my understanding of the formula in general terms is correct. It was based on a per capita allotment of 128 acres per capita, based on the population at year's end, December 31 of 1976. And roughly speaking, without being precise on the exact numbers — because I think those are important but secondary to the point that I wish to make — the obligation overall in Saskatchewan amounted to approximately 1.4 million acres and involved something like in the order of 32 ... or 30, I guess, Indian bands.

And in fact, although I'll ask a question about this, it seems as though two settlements were reached — two for sure, since the 1980s; Stony Rapids and Fond du Lac as well, 1986 — pursuant to this 1976 agreement. At least I will assume that, and I want to ask some questions about that.

Now I don't want to politicize this, but I do think that there is an important historical development here, and that is the election of the provincial PC government in 1982 and then the election of a PC government federally in 1984. As I understand it, the first thing the provincial government did was put a freeze on the Saskatchewan formula and undertook a review of its policies. However, the Black Lake ... or Fond du Lac agreement was effected.

And the Deputy Premier, from his seat, says they threw it out, which I guess speeds up a lot of my questioning, but I'll want to raise this specifically to the minister in charge of the secretariat to put it on record.

In the federal government, Mr. Nielsen, who headed up the Nielsen task force, in fact signalled the change in attitude — massive cut-backs to native people and Indian people — stated that there would be no comprehensive land claims; in effect, told the Indian people that they had to go through the costly, time-consuming court process, as opposed to negotiation. And essentially the policy was one based on need as assessed by bureaucrats, presumably, and governments, on the basis of consultation with Indian governments.

And then something else seemed to enter into the picture with respect to the 1976 Saskatchewan formula, a concept, a relatively new concept, in terms of assessing the amount of land to be transferred. Instead of using December 31, 1976 as the base, as was agreed to by the two governments and the Indian governments, we now find the injection of the principle of the date of first survey, which in effect means that the numbers are dramatically reduced from something in the order of 1.4 million acres under the 1976 formula to about 75,000 acres — Mr. Goulet, is that correct? — or a loss of 87 per cent of the land — 1.1 acres of the land from what was agreed to by the three parties involved back in 1976.

Seemingly this policy change has been made, seemingly — because I want to hear the minister respond — in the

absence of any legal justification. In fact, I would argue, in the face of legal opinion to the contrary, that the agreement of 1976 is binding, seemingly, in the face of section 35 in the constitutional obligations and the treaties themselves; seemingly in the face of the 1930 Natural Resources Transfer Agreement Act, which transferred to the province this land and carrying with it a trust obligation to be fulfilled to the first Canadians.

And the reports that I get from all over Saskatchewan is that there is a level of frustration which is mounting as Indian leaders and chiefs, who have been struggling for all of this while to realize on their rights, and thought they had finally a breakthrough in '76, and even some hopeful signs thereafter with a few successful completions of land entitlements, now being in effect stymied, checkmated. And the frustration level has increased because no one is prepared to give them a clear-cut statement as to where things stand. What does this government believe in to be the formula, and what legal justification for that formula?

(1100)

That's the situation today. At least that's the situation as I understand it to be today. And so I will stop there and request the minister — keeping in mind his obligation within his responsibility to Indian and Metis people in this province, and forgetting for the moment the gibes of his fellow ministers who would urge him to do something, I think, rash and even more unfair to the native people of this country — I would invite the minister to give us, to give me, a specific answer to this question: is it the position of the present provincial government that the 1976 formula with respect to land entitlements is, as the Deputy Premier has said from his seat, dead? And if it is dead, on what basis are negotiations proceeding?

Hon. Mr. Hodgins: — I thank the member, both for his comments and his question, and the member opposite speaks with a fair degree of knowledge, I might add. The member opposite, as the people of Saskatchewan well know, was intimately involved in the constitutional talks prior to 1982, and for the most part you have accurately summarized much of the history and many of the legal obligations and how they came about.

I was very interested to hear your comment that all of us, and I'll quote: "all of us have been slow to fulfil our obligations". And indeed that is most true. I would say that Indian people throughout the province of Saskatchewan have indeed shown a tremendous amount of patience in awaiting the fulfilment of their entitlements.

I think we all know and understand that this is a complex issue. It is an issue not easily or quickly resolved in many areas. And to demonstrate the difficulties that both the prior administration, under a New Democratic Party, and the current administration in government in this province has had, I want to make it perfectly clear that in the 10-year history of the NDP administration, only one entitlement was fulfilled and came to pass, and that was, correctly, the Stony Rapids entitlement selection.

In fairness, under this current administration, in six years, there has been but one entitlement fulfilled. I do want to

say that a significant amount of progress has been made by this administration on other land entitlements. And I look with a fair degree of pride, although I also say, with a great deal of frustration, that we would wish that these entitlements would proceed quicker.

When we talk specifically about the constitution and specifically about the obligation by the provincial government in the 1930 Natural Resources Transfer Agreement (Act) and the rights of Indian people entrenched in both that agreement and in the constitution, indeed, and I openly will say, that these are legal obligations of Indian people. These are obligations written directly into a constitution, directly into the agreement of the 1930 natural transfer agreement.

And I want to say that as a provincial government we have every intention of living up to our legal, and indeed moral, obligations. When we speak into getting into more detail on the 1976 formula vis-a-vis the date of first survey that has been suggested, indeed it is a sensitive issue. Indeed the difference between the 1976 formula and the date of first survey quantum is a considerable number of acres.

The member opposite has suggested some approximate figures or reductions in acreages from the date of first survey to the 1976 formula, and those are a significant number. I cannot quantify or clarify that you are or you are not correct in those figures, but indeed there is a drastic difference.

I want to state very clearly to the members opposite and to the people of Saskatchewan, and especially the Indian people of this province, that this government has every intention of living up to our legal obligations. That legal obligation in the 1930 Natural Resource Transfer Agreement (Act) obligations this government or the people of Saskatchewan, on request by the federal government, to fulfil treaty entitlements with Crown land.

The amount of Crown land, of course, is dependent on what formula you may use. There is, as I have stated, a tremendous difference between the amounts of land under the 1976 formula and the date of first survey. And the position of the provincial government is simply to fulfil the legal obligations within the 1930 Natural Resources Transfer Agreement (Act), at whatever formula may be appropriate.

I can tell the hon. member that this subject is currently under discussion, not only by the federal government and Indian people but by this provincial government as well. I have spent many hours chatting with my officials on the subject. The subject is not, in any sense of the word, resolved. I would hope, for the benefit of all Indian and native people, that this issue will get resolved. At this time I can only commit to the people of Saskatchewan and to the Indian people that this government has every intention of fulfilling its legal obligation.

Mr. Chairman: — Why is the member on his feet?

Hon. Mr. Hepworth: — Mr. Chairman, I wonder if I might have leave of the Assembly to introduce some guests.

Leave granted.

INTRODUCTION OF GUESTS

Hon. Mr. Hepworth: — Mr. Chairman, I'd like to introduce to you, and through you to all members of the Legislative Assembly, some 16 grade 4 students seated in the Speaker's gallery, from Weyburn, from the Assiniboia School in Weyburn. They're accompanied by their teacher Kim Berger, and as well, some chaperons: Mr. Katschke, Mrs. Seitz, Mrs. Binns, Mrs. Sarahs, and as well, their bus driver Roy Loose.

And I would like all members to join with me in welcoming them here today, but before we do so, I might add that I had the chance to meet with them on the steps of the legislature to answer some very good questions that the students put forward. I congratulate their teacher and their parents for showing the interest and taking the time and the effort to bring these young people to Regina to see the legislature, and indeed to have a chance to see it functioning. I wish them a safe trip back home, and we always appreciate the efforts of the bus drivers who come with these young people and who, across this province every day, transport 200,000 children, or thereabouts, safely.

So I would ask all members of the Assembly to join with me in welcoming these young people to the legislature today, Mr. Chairman.

Hon. Members: Hear, hear!

COMMITTEE OF FINANCE

Consolidated Fund Budgetary Expenditure Indian and Native Affairs Secretariat Ordinary Expenditure — Vote 25

Item 1 (continued)

Mr. Romanow: — Thank you, Mr. Chairman. I want to pursue the minister's answer for a moment, if I can, on this important issue.

I hear what the minister says about intent, but I'm moving the minister beyond intent because I think we have progressed to the point where we can answer some specific questions with some specific answers. I want to ask you, specifically, whether or not the 1976 formula, as the basis for the transfer of land in the realization of land entitlements is, in your mind and in the minds of the Premier and this government, no longer applicable with respect to Saskatchewan.

I suspect — I don't want to answer the question for you, but I suspect that it is because of your words today. You say words like, we will transfer land "at whatever level may be appropriate." Now I thought that the three levels, the Indian governments, the provincial government, and the federal government had decided that the appropriate level was the 1976 formula. Here we are 12 years later and you're telling the House, and presumably the Indian people, that there is a new standard, and that is a floating standard. It is a level "which may be appropriate." Moreover, my information is that in other situations you

have been much more definitive about the 1976 formula.

You might confirm or deny this, but as I understand it, on or about March 18 of 1988, you wrote to your counterpart in the federal government, the hon. Mr. William McKnight, in these terms in the context of the formula. You said:

We are not willing to supply more land than the federal government requests to fulfil its treaty entitlement obligations. We are prepared to work with the federal government and entitlement bands to deal with entitlements on the basis which your government has outlined, i.e., on the basis of the date of first survey.

Now that doesn't seem to be what you told us a moment ago — at an appropriate level — because those words implied that there may be some other appropriate level in some other circumstances. This letter seems to indicate that the appropriate level has been defined to be the basis of the date of first survey by your government.

Now I just want you to tell me and to tell the Indian people, in 1988 what is that appropriate level? And I don't mean to be badgering you; I genuinely believe that you are genuinely concerned about the problem. And I do know it's difficult; I know that. But for the purposes of this estimates, I want to know specifically, what is your situation? Are you 1976, or are you date of first survey, or are you something entirely different? And if it's entirely different, please define it for us.

(1115)

Hon. Mr. Hodgins: — Thank you, Mr. chairman. Respecting your comments on my words, "at whatever level may be appropriate" — and I do not want to confuse the issue — I can tell you what I had in mind, or what was going through my mind at the time is that we have dealt with different selections and with the federal government on levels, or acres of land if you like, that have not corresponded to either formula.

And I think specifically, I think specifically of that letter which you quoted from. That letter respected the Cree Lake selection of the English River Band, and we had recommended to the federal government ... the federal government had sent us a letter rejecting our position on the entitlement. The federal government indicated that they would not go along with the amount of land because it was in excess of date of first survey.

I want to tell you that this government in principle, in this specific case, has taken the position that we will settle with an amount of land in excess of date of first survey, so in some cases I don't believe that a hard and fast rule can apply. I do believe in some specific instances common sense should prevail, and this specific selection, the Cree Lake selection, is a very good example.

The member opposite has questioned and wishes that I take a position on the 1976 formula or on date of first survey. And I once again want to emphasize that it is the government's obligation, it is the government's obligation through the constitution, through The Natural

Resources Transfer (Agreement) Act of 1930 to transfer lands at the request of the federal government.

The federal government most recently has taken the position that date of first survey is the basis on which they will settle entitlement claims. I will tell you that the issue is still under discussion between the province of Saskatchewan and the federal government, and it is not an easy one to resolve.

The member talks about the 1976 formula being such a good formula, and he wishes the provincial government to take the position that the 1976 formula should be the formula that this administration supports. And yet, if we look at it fairly, if we look at it fairly, only one entitlement in the 10-year period prior to 1982 was fulfilled; 1976 to 1982 when the formula came in place — that is a period of six years — only a single entitlement was fulfilled.

I say this government is committed to fulfilling its obligations. We will continue our discussions, and our first concern, our first concern has to be a fair and reasonable settlement both for Indian people and the province of Saskatchewan. I feel that we have made significant progress in this respect, and I would match our progress vis-a-vis the progress of administrations previous in a very good light.

Mr. Romanow: — Mr. Chairman, I'm sorry to say this, but I can sure understand why some of the Indian leadership senses the frustration about this problem, listening to the minister's answers in explaining the government's position, because I have no other way but to translate what you're telling me but in these terms. You are saying that the 1976 formula is not dead, but it's not accepted. You're saying the date of first survey is not dead, nor is it necessarily accepted. What you're saying in effect to the Indian people is, let's play a little game of Russian roulette, whatever the applicable level is, given the applicable circumstances will work.

I don't say 1976 is such a great formula. To me that's almost irrelevant. What is relevant is that there was (a) an agreement signed, sealed, and delivered involving the Indian people, the Saskatchewan government, and the Ottawa government. I don't even make the issue about whether the agreement was being followed expeditiously.

If you want to criticize us for not having done enough from '76 to '82, I confess, I admit, we weren't perfect there. That's not what I'm speaking to. What I'm speaking to is, in the light of fact that there is a 1976 agreement, is the position of the current government in 1988 that it is going to break the terms and conditions of that 1976 agreement and follow, as in your words you use, "whatever level is applicable." Because if that's the test, then there can be nothing but bitterness by those who have felt that they had an understanding on the arrangement, for good, bad, or otherwise, now being told by you, to me and to them, well just wait and see. We don't know what the formula is. It will be based on a catch-as-catch-can, *ad hoc* basis.

So, Mr. Minister, to speed this up a bit ... I'm not trying to put words in your mouth; you have to do whatever you

have to do, of course, by way of answers, and I can't elicit any more from you than what you say. But I think it would help everybody — me, you, the Indian people, non-Indian people — just to answer specifically this question: does your government view the 1976 agreement to be a legally binding agreement? If not legally, a morally binding agreement? And if so — ruling out date of first survey, or any other formula — and if so, have you communicated the same to the federal government? And if so, will you, in pursuance of that legal advice that you've got, pursue the '76 so we can get on with the job to get this injustice righted as is expeditiously possible?

Mr. Chairman: — Why is the member on his feet?

Mr. Koskie: — I'm on my feet, Mr. Chairman, to get leave to introduce a . . . Deputy Chairman, get leave to introduce a group of students.

Leave granted.

INTRODUCTION OF GUESTS

Mr. Koskie: — Thank you, Mr. Deputy Chairman. I have the honour to introduce at this time to the legislature 28 grade 5 students from the Wynyard Elementary School at Wynyard. They're seated in the Speaker's gallery. I've had the . . . They're accompanied by their teacher Shaunda Halldorson, Mrs. Bell, and Nick Onyskevich, their bus driver.

I had the opportunity of meeting with this group, and I want to say that they were the most inquiring group and had many questions in respect to the operation of the legislature, in respect to free trade, in respect to what will be done for the farmers in their plight. I want to welcome them here, and certainly wish them a safe trip back home. Thank you.

Hon. Members: Hear, hear!

COMMITTEE OF FINANCE

Consolidated Fund Budgetary Expenditure Indian and Native Affairs Secretariat Ordinary Expenditure — Vote 25

Item 1 (continued)

Hon. Mr. Hodgins: — I once again, Mr. Chairman, want to review the record with respect to settlements under the 1976 formula. There have been only a few, both in the prior administration and our administration, that have been settled using the 1976 formula. I do know that the Fond-du-Lac settlement that was settled by this administration was settled on a basis of more than the 1976 formula.

The 1976 formula has many problems. One of the problems was the rigidity, lack of flexibility, and the inequity that would exist if you stuck strictly with the 1976 formula. And I think the record of success of entitlements, of entitlement fulfilments, speaks very well to the problems associated with the 1976 formula.

I can tell the member opposite that in approximately 1983 or 1984, the current Attorney General stated very openly to the public of Saskatchewan many of the problems that existed with the '76 formula. And at that time the '76 formula was rejected as something we would stick strictly with. Since that time there has been settlements achieved that used the '76 formula as a point of reference, as a starting point in negotiations. But to say that the position of the government should be to strictly stick with a '76 formula, I don't believe is in the best interests of Indian and native people.

Once again, I want to emphasize that it is the province's responsibility to fulfil their obligations under the 1930 Natural Resources Transfer Agreement Act. The federal government has now taken the position of date of first survey, and legally we are bound, legally we are bound to follow that obligation, and we have every intent of doing so.

Mr. Romanow: — Well, Mr. Chairman, I want to read into the record and to ask the minister to confirm, or amend, or deny. And then I want to make a comment about the Fond-du-Lac settlement — is it? — 1986, ask a question about that.

What I want to read into the record is a part of a letter — actually I don't have the letter, it's a summary prepared for me here which I will not table if somebody asks. Actually, I don't mind tabling it because it's prepared by my colleague, Mr. Goulet, and it's perfectly straightforward.

(1130)

I'll word it this way: would the minister confirm that in 1984 there was a letter from the federal Indian Affairs minister, at the time John Monroe, to Sid Dutchak, at the time the PC provincial minister in charge of Indian and Native Affairs Secretariat, talking about the 1976 formula in these terms, at page 4:

The nature of the Saskatchewan agreement is such that it is binding on all the three parties. Our legal counsel advises that there are strong arguments in favour of the legal enforceability of the agreement embodies in the exchange of letters.

And then, referring to June 1984, a provincial cabinet document — your cabinet document, June 1984 — which incorporates into it a review of the attorney general of Saskatchewan's assessment of the impact of the '76 formula where it is stated in part:

If we depart (quoting the provincial AG), if we depart from the 1976 formula, we will likely be faced with litigation, with a serious risk of losing. There is an outside chance that litigation result in the province's being bound to transfer more land than the 1976 formula would require.

Now the net effect of those two statements, if you accept them as being statements communicated to your government, one from the federal government in 1984, one from your own attorney general, is that there is a legal binding on 1976 and a serious risk of losing. And as your

attorney general in 1984 — I don't know who he was — says, not only a serious risk of losing but a serious chance of more.

My two questions are to the minister: is that the position of the government today with respect to 1976 formula in the context of its legal impact? And my second question is: based on the settlement that you referred to in 1986, Fond-du-Lac, is it the policy of this government now that future settlements, recognizing what might be the legal obligation of '76, will always be either at '76 or more, but not less than '76? Is that the lesson out of Fond-du-Lac?

Hon. Mr. Hodgins: — Well, Mr. Chairman, the Leader of the Opposition has not provided me the specific letter, so I have a little difficulty in getting into the details of them. But as I think most reasonable people know, when you get lawyers involved in expressing opinions, I don't think there's any other area that I know of where there can be such a vast difference of opinion. And you can have one lawyer tell you that this is legally binding, and you can have another lawyer that will tell you that it's not legally binding. And I guess one of the problems we face in society today, Mr. Speaker, is those differences of opinions between lawyers. So I suppose I could go and hire a lawyer to give me about any opinion I wanted on it.

When we speak of the amount of land that we will settle, that we have settled on . . . I once again want to tell the member opposite that in some cases we have gone further than what our so-called legal commitments may be. I also want to emphasize to the member opposite that Indian people and the people of Saskatchewan know full well that the 1976 formula was a very strict and rigid formula. The people of Saskatchewan and the Indian people know that there are tremendous differences in land; tremendous differences in developments have taken place in this province. And I don't think that one could fairly say, let's stick it so many acres; and one selection of land may have a gold mine on it, another selection of land may well be rock pile, another selection of land may have great opportunities for tourist or mining or other resource developments.

I want the members opposite to know that this government has taken Indian economic development very seriously. Our record in that respect is a good one. And I think that most reasonable thinking Indian people today recognize the problems with the '76 formula, recognize the differences in land in different areas of the province, and that there should be some flexibility in any formula of land entitlements.

I believe that through the co-operation of the federal government and the provincial government, that a reasonable resolve can be found to this situation. I believe that the record of this administration, together with that co-operation from the federal government in the years to come, will be a good one and will be to the benefit of Indian people.

And I say once again — I stress, as a matter of fact — that if the 1976 formula was so good, that why has there been the dismal record of success? And I don't fault entirely the members opposite; I speak as well with the record of success in fulfilling treaty land entitlements of this

administration, and I'd say the problems can be directly associated with the 1976 formula. So I would debate most strenuously that the 1976 formula is a formula that cannot be strictly adhered to.

I stress once again that our position as a province is that we will fulfil any legal obligations whatsoever that we have under the 1930 Natural Resources Transfer Agreement (Act).

Mr. Romanow: — Well, Mr. Chairman, I am disappointed to hear the minister's response because in effect he says that the Saskatchewan formula is not on. And it may not be on; maybe there are good and valid reasons why it shouldn't be on, but he has failed and refuses to articulate what alternative formula, with the agreement of the Indian governments, this provincial and federal government would accept — refuses. It says date of first survey is not accepted, and it's an argument which is basically saying to the Indian people and to the non-Indian people, well we'll just wait and see; we'll see what comes up.

That, I think, is a regressive step because we had no formula in place at all from 1930 Natural Resources Transfer Agreement (Act) until '76. It took us 46 years to get that far. And now, from '76 to '88, we have a reversal back to the pre-'76 situation, seemingly, where there is no formula.

And I might add, parenthetically, that notwithstanding the fact that this just isn't some lawyer who says the '76 agreement is binding, it is your lawyer, your colleague, the Attorney General. You just sit beside him, you know, when you're around the cabinet table, just sort of say, he, Mr. Attorney General, will you advise us as to what our legal rights are. That's his job. That's what he gets that big fat salary for. He's supposed to tell you what your obligations are and whether you're to act within the law or not.

So I mean, I don't buy that argument that, well, you know, you get lawyers and you get all kinds of opinions. These are your lawyers setting out a legal and constitutional obligation and you, sir, are renegeing on that because you are flying in the face of that legal opinion and are apparently setting up some other regime.

Now I want to make one point here, before I take my place — in general terms, not necessarily to the members of this Chamber, but I guess I'm in this Chamber so I speak to this Chamber — and that is to the public at large who might have the belief that the claims pursuant to treaty rights are somehow gigantic in size and will have enormous socio-economic consequences. I admit with the minister that they are not easy to settle and they'll take patience and skill to achieve.

But you know, if you consider the fact that land set aside, for example, for parks in Canada roughly totalled, if I'm correct, five times the amount of land already set aside for Indian reserves, you see what we're talking about.

If you take a look at Weyerhaeuser right here in Prince Albert in Saskatchewan, and the amount of land that it has — it has set aside to it more land than all of the reserves in

Canada, Weyerhaeuser does. And here's the situation that we're faced with, and this is an issue of fairness — this is what it is. It's an issue of dealing equitably with people.

The situation is that Weyerhaeuser comes forward with a specific economic proposal, and it doesn't take Weyerhaeuser 46 years, they're able to get 12 million acres set aside, approximately, for them, 1988. When it comes to the Indian people, however, under the Saskatchewan formula, instead of having . . . They had 1.3, 1.4 million acres under the Saskatchewan formula.

If the date of first survey is accepted, they drop from 1.3 million to 175,000 acres or a loss of 1.1 million acres. That's a drop of nearly 90 per cent of what they thought they had as the basis of negotiations — 1.4 million acres stacked up against Weyerhaeuser's 12 million acres — 12 million acres.

And I don't mean this in any pejorative terms, but there is an important message here of a multinational corporation, albeit providing jobs for people in Saskatchewan — to that extent it's a beneficial economic development and to the community, and not the first time, I've said that elsewhere — but the profits of which essentially end up out of province and out of country, the development of which ends up essentially out of the control of Indian people. You might argue the provincial government's got a control on Weyerhaeuser, as the rate of development and the rate of receding that it may or may not have. That's another issue for another estimate. Twelve million acres in two years or less, negotiated for Weyerhaeuser, and we're going for our Indian people from 1.4 million, compared to 12, down to 175,000 acres or some indefinite number, because this government says it has good intentions, but it's got no specific formula.

Now I say to you, sir, and I say to anybody who's watching, is that fair? Is that fair? Somebody says that it's fair. I think it's the Deputy Premier who says it's fair. I think he says it cavalierly to do this. But I tell you, I don't think it's fair. I don't think it's fair. I don't think it's fair. And if it is not fair, then either the Deputy Premier or the Premier or you, sir, as the responsible minister, has got to say that it's not fair and that there is, if '76 is not applicable, a better formula which is fair, and not somewhere down the road, you know, in the long run. In the long run, we're all dead.

Now! We need to act now! We can't play on fears. We can't exaggerate prejudices. We can't look for legal obfuscation. We can't avoid those problems. We've got to act, all of us, now.

So I say to you, Mr. Minister, that this is indeed a very serious, and in some ways, sad business which affects a growing and important segment of our population in Saskatchewan, and the government seemingly is stuck in the mud. Somebody should be saying to this government, never say whoa in a mud hole. Keep it going. I think it's an excellent phrase actually to use — never say whoa in a mud hole.

But you're stuck in this policy and I urge you as strongly as I can, Mr. Minister, to get it clarified, and get it clarified because obviously I can't in my questioning here.

Now before I take my seat, in the interest of time, I want to give notice to the minister, and I'm doing it here by formal record, that I want him to give to me answers, specific answers to the following eight questions which I will put on the record, which are specific . . . (inaudible interjection) . . . Pardon me? What's the minister of privatization have to say about this? I'm sorry, what do you have to say about this?

An Hon. Member: — I just thought you weren't saying . . .

Mr. Romanow: — Well the minister of privatization says I'm not saying things correctly. I invite him to come to the debate; in fact I invite him to tell the minister where I'm in error. I'll take my place and in fact give the minister a chance to rebut to my general proposition and also invite the minister to tell me where I'm in error — or the minister of privatization.

(1145)

Come on in the debate and tell me where you think it's fair that Weyerhaeuser has 12 million acres and the Indian people, the first Canadians — the first Canadians — the highest rate of poverty and suicide and alcoholism. You take your chair, you take your chair and tell me that it's fair. You take your chair; come on in here; not from the back.

An Hon. Member: — He has no right to . . .

Mr. Romanow: — Well, Mr. Chairman, I'm . . .

Mr. Chairman: — Order. Order. Can we have some order in the House, please, and allow the member to continue his questioning.

Mr. Romanow: — Mr. Chairman, I'm going to sit down and I'm going to ask the minister of privatization to come from the back, behind the bar, now, to take his chair and to put his comments on record, now.

Some Hon. Members: Hear, hear!

Mr. Romanow: — Mr. Chairman, we have heard lectures by this Premier about behaviour unbecoming. I want to say to the minister of privatization, your behaviour from behind the bar, yelling like that at me on this issue on points we can't hear about, is unbecoming to all the members of this House, and it's just too bad that there aren't any children on this floor.

Some Hon. Members: Hear, hear!

Mr. Romanow: — Now obviously you don't have the courtesy to me or to this House to come forward, so let me resume this with the minister in charge of the native secretariat.

An Hon. Member: — Item one agreed?

Mr. Romanow: — Not agreed. I want to put to the minister the following — you can respond if you want, or leave it on this basis of answering these questions in writing, which is another way of responding to what I said

verbally to you. You choose how you want to handle the estimates. We're prepared to continue it in any way going.

The questions are as follows: one, in view of the letter sent by the . . . (inaudible interjection) . . . The member over there says it's a good job. He compliments the minister of privatization. And I tell you, that's the problem for this minister. The problem for this minister in this secretariat is that he is trying to genuinely deal with a sensitive problem involving culture, constitution, and legality. He gets interfered with by other members of the Progressive Conservative caucus who refuse to let him to do it; based on, putting it bluntly, a perverted sense of legalities and moralities. And he's cheered on by back-benchers who have the temerity never to stand up to speak on the record on this issue, but silently applaud those who work against what this minister says. Shame on that back-bencher over there.

Some Hon. Members: Hear, hear!

Mr. Romanow: — Shame on you. Yes, the member from Shaunavon. And again if you think that the Indian people don't have this right, if you think it's fair to do this, for goodness sakes, stand up and put it on record so that they know and we know.

An Hon. Member: — Item one agreed?

Mr. Romanow: — It is not agreed. You know, with the Minister of Social Services, there's another member. We're trying to deal with a serious issue. I am, with the minister, on an intelligent discussion of the issues, complicated as they are, and differences, and the Minister of Social Services . . . this is the person who, by the way, by his Social Services policies has victimized not only white, non-Indian people, but Indian people by the thousands, also lending in his support. What kind of a government is this? We're trying to deal with a serious issue and you people chirp in on estimates. It's a shameful display.

Mr. Minister, I want to leave my involvement in this situation, I want to leave my involvement by putting these questions to you. And you can respond to me as you see fit, either now — if you feel it's necessary to rebut on your side, fair enough; I'll wait the rebuttal and make a response if I think that's necessary — or in writing. The questions are as follows.

One, in view of a letter sent by the Hon. Grant Hodgins to the federal Minister of Indian and Northern Affairs on March 18, last, on Saskatchewan's obligation to supply land for Indian treaty land entitlements, will the provincial government tell this House, and the bands who have selected lands leased upon the 1976 agreement, whether or not those lands that have been selected are to be leased, sold, or otherwise alienated until the issue between Canada and the bands on how these lands will be transferred or settled at the negotiating table or the courts?

I understand these are complicated questions and I don't expect an immediate answer, but give them to me in writing.

Two, in 1981 the provincial government made official commitments to transfer 18 selections of land made by nine bands. Those selections totalled 211,516 acres of land. Those commitments were formally accepted in writing by the Minister of Indian Affairs. Is it the intention of this government, your government, to honour the commitment made concerning those transfers?

Third, could the minister inform me on whether or not the government views the 1976 formula as a legal and legitimate basis today for the determination of entitlement acreage and whether or not the government intends to honour it? You've given me your answers in that regard, and perhaps a summary restating it would be sufficient.

Four, in 1976 an agreement was entered into by the federal and provincial governments and the Indian bands in Saskatchewan. The agreement became known as the 1976 Saskatchewan agreement. One of the essential understandings that came of this agreement was that the process would be moved expeditiously. Since that time, two bands have received, as the minister has pointed out, their full entitlements under this agreement. There are other bands that are growing anxious to have their entitlements met using this criteria.

Could the minister advise me and the House what his time table is for the implementation of those requests and those land entitlements?

Five, Canada said that the supply of land for entitlements, including any costs of purchase, is entirely a provincial responsibility. What is your provincial government's position on this, in view of Canada's responsibilities for treaties to Indians under the constitution, as I tried to outline in my view of the laws at the beginning of our discussion? Is the province prepared to work with the bands to persuade the federal government, the current federal government, to change its views, and to propose discussions with Ottawa towards cost-sharing arrangements?

Six, Canada says that entitlements should be based on the shortfall at date of first survey. We talked about this. Canoe Lake, like English River, is already above this figure but has an outstanding entitlement under the Saskatchewan formula agreement of 1976. The province apparently has agreed in principle to transfer Kyle Lake selection to the band, but the federal government at Ottawa says the parcel will not necessarily be given reserve status. What is the province's view on this particular issue, and what action will you take, if any, to support the band and its claim?

Two more. Seven, costs of transfer of land include compensation to affected municipalities which lose or may lose part of their tax base. You may add here, parenthetically, part of the problem that the minister and I both acknowledge. Canada says the province should pay these costs. This issue is holding up the transfer of some selections. What is the province prepared to do specifically to resolve this particular issue in order to make sure that our municipalities are properly compensated?

And finally, eight. The province apparently wants to retain certain water rights in transferred selections. This affects many selections including, for example, (a) the traditional area selected by Peter Ballantyne Band on the Churchill and Reindeer Rivers; and (b) the waters and bed of an intermittently flowing stream on the Lucky Man Band's selection in the Meeting Lake pasture. Is the province willing to enter into discussions with the entitlement bands to identify where there might be legitimate need for joint jurisdiction over water resources, and what acceptable forms of joint management are being devised? And would the minister provide those for me as well?

Those are some of the questions. We've touched on them in our questions and answers here. I don't expect an answer overnight. Obviously your officials will have to take some care in the preparation and the wording of them. The legislature may be adjourned by that time. I will rest my involvement in these estimates, on this occasion, if the minister gives me a commitment that he will, as is convenient and is as possible, give me a response in writing to those questions, which of course the record will have full notice of.

Hon. Mr. Hodgins: — Well, I thank the hon. Leader of the Opposition for those questions, and I certainly will make a commitment to provide, in writing, responses to each one of those questions. And as you could imagine, I had difficulty in just copying down the questions, let alone giving you a verbal answer here today.

But I think if you look at all of the issues brought up in the specific questions that you asked, and we talk about tax lost to municipalities, we talk about water rights, we talk about a definitive timetable, and the legalities of whether the '87 formula may or may not be legal — all of these things are extremely complex, extremely complex.

And I guess I would like to focus on the question of: is the '76 formula legal? I would think a better question, a better question that may be asked is: is the '76 formula practical? Is the '76 formula in the best interests of Indian people? And I think the record of success in fulfilling land entitlements would answer that question as being no, the '76 formula is not a practical formula.

I believe that the record of success of this administration in working with Indian people is a good record of success. I would hope that the record of success will be better in years to come, and I will make the commitment to Indian people that I will work closely with them. If it takes extensive negotiations with Ottawa, we are quite prepared to do that in a co-operative sense.

The member from the opposition has said . . . has spent a fair bit of time in his speech about saying, is it fair? Well I want to tell the members opposite, and the Indian people of Saskatchewan, that the whole basis of our approach to Indian people and Indian problems is one of fairness.

I look at the Indian economic development programs that this administration has undertaken, and I look at the success of Indian people, I look at the success rate of Indian people in many of these economic development

initiatives, the success of the individual entrepreneurship that is existent today in Saskatchewan, all over Saskatchewan, in many different Indian bands. And I say that there's a lot more room to improve, but I think our record in that respect is a good one. I think our dedication to economic development on Indian reserves and off of Indian reserves is one of fairness.

So I once again emphasize, Mr. Chairman, that we are working very hard in Indian and Native Affairs to be fair with Indian people, to address their problems of concern.

The issues out there today are not easy, Mr. Chairman, but I will make the commitment to all Indian people that through my ministry I will work as closely as I can with them in a co-operative fashion. And I believe, Mr. Speaker, that we can look forward to developments to the benefit of all Indian and native people.

Mr. Romanow: — Mr. Chairman, I'm prepared to conclude. I just want the minister to give me a definite commitment if he can. I think he has, but I wasn't certain about it.

With respect to the eight questions that I've directed to you, will the minister commit to me and to the House that he will give a response in writing, as best as he can — I understand these are complex issues, but I'm talking about policy direction — as soon as possible, and let's say no later than within a month? Will you . . . can you give me that?

And if . . . I'll sit down if you can say yes to that. My colleague has another 10 or 15 minutes, and I think we can complete the consideration of this estimates if we stop the clock. We would make some progress there. Can you give me that commitment?

Hon. Mr. Hodgins: — Yes, I'd be pleased to provide that commitment.

Mr. Goulet: — The question is one of a general nature in regards to the health, social services issue, and it's one that has to do with the area of jurisdiction and also in the area of action. And I just have here a report, for example, that . . . it was just researched. It's called A Study of the Unmet Needs of Off-Reserve Indian and Metis Elderly in Saskatchewan, and it's researched by the Saskatchewan Senior Citizens' Provincial Council on June '88, and it was released on the 21st.

And basically it says that many off-reserve Indian and Metis elderly are living tragic lives. They are often forced to reside in very inadequate housing. They have very serious unmet health needs and poor access to transportation. Many live well below the poverty line.

In relation to these grave issues, and last year I presented the idea that even in northern Saskatchewan, and I can see the same applying in the more rural areas where the services are not at the same level as in the urban areas, that some people have to move from their areas because they don't have the level four, or even three, services at the community level.

And I'm wondering what the Minister of Indian and

Native Affairs will do in regards to working with the other departments and making sure that there is an effective strategy to deal with this issue. What are you going to do? I know I have raised this question last year, and it's been raised before. What will you do to deal with the social services issues and the health issues that creep up from time to time on individual Indian and Metis people?

(1200)

Hon. Mr. Hodgins: — Well, Mr. Chairman, you may know that the report of which the member opposite speaks was just received, I believe, yesterday. It is a very comprehensive report, according to my information. I have not seen the report myself, but I will tell the member that I will be asking for a summary of that report be given to me.

The whole question of seniors and the problems faced by seniors is indeed a subject that has to be dealt with. It is not, as well, an easy fix. I believe that the demographics would show you that people in general are living longer today. There are more people in the senior category today on reserve and off reserve than ever before, and of course, the costs associated with providing a healthy atmosphere, a healthy living for these people, are quite high.

I have worked, or have met, since I've become minister, in the last few months, a number of time with Indian leaders. This particular subject has been touched on but not dealt with at length, and it would be one of the subjects that I do plan to discuss in future meetings with Indian leaders and take very seriously.

I would also tell the member opposite that in my discussions with other ministers on the government side of the House, this subject is one that will be a subject that will be discussed.

And I do not have any easy answers or quick solutions to the problems of the elderly. The member opposite knows from first-hand experience, and far better than I, the very sincere problems that these people have. And he knows . . . you know full well that it's not an easy issue to address. I can only make the commitment that in a compassionate way I will deal as best I can with my officials and with my colleagues in addressing the needs of seniors, both on reserves and off reserves.

Mr. Goulet: — One of the statements you made before in regards to dealing with the land issue was a problem . . . a question of legality and jurisdiction. I raised this issue before, and it's been raised many times before, and that's the question of clarifying the jurisdictions.

But I haven't seen any reports. I haven't seen any summaries, or I haven't seen any real direction in regards to how to deal effectively with the jurisdictional questions on the area of social services and health. And I haven't seen any policy directives from your government to deal with this issue.

Will you work with the proper ministers in Health and in Social Services and other areas as well to clarify the jurisdictional issues and, at the same time, to have a short-term strategy not to leave those people out in the

cold, as has often been done in the past, so that we can have not only a long-term strategy on jurisdiction, but a short-term strategy on dealing with the daily issues that hit people on a daily basis? Could you also make a commitment on that?

Hon. Mr. Hodgins: — Yes, the member opposite raises a good point. And I can say that just the other day, in one of my meetings with my officials, this very subject in a broader sense was discussed.

I want to reaffirm the mandate of the Indian and Native Affairs Secretariat, and that mandate in part is most certainly to clarify jurisdictions, whether it's in our own government or between the provincial government and the federal government, and make it easier and make it better known, more widely known, to Indian people on how they access this big thing we call government.

I do know that it is tremendously difficult, and especially for people who are physically a long ways from Regina, for instance, to find their way into the right appropriate department for whatever assistance they may need. And I strongly, strongly reaffirm the mandate of this department to assist Indian people in finding their way into this thing called government, and to be of as much assistance as we can throughout all departments. And I now that same feeling is shared by all of my colleagues, to assist Indian people in whatever way we can.

Mr. Goulet: — Again, being the new minister, I would like also a commitment in the area of the hunting, trapping, and issues in relation to treaty rights. In many cases they have been treated as secondary to new regulations that have come out from time to time, and very little consultation has occurred. And many times, as I travel around, there has been this need to have real consultation, not just to consult your staff, which is important, but to consult the people at the band level, at the community level, to consult people at the district level, to consult people at provincial organizational level.

What is your commitment in a strategy of effectively involving Indian and Metis people in dealing with these issues, especially in the area of hunting, fishing, and trapping?

Hon. Mr. Hodgins: — The issue of hunting, fishing, and trapping rights is an important issue amongst all peoples of Saskatchewan. I can tell the hon. member that just last November the Federation of Saskatchewan Indians met with a cabinet caucus committee on this very issue. With our representation in our government from virtually all areas of the province, I feel that our government, our caucus, has a very good understanding of the issues of hunting and fishing and trapping.

Indeed, more consultation is necessary. I would tell the member opposite this: I, myself, am not an expert on hunting and all of the issues. Most of these issues, of course, are dealt with by my colleague, the Minister of Parks, Recreation and Culture, but it is an area in which I want to get more involved in, more knowledgeable. I do understand and very much respect that hunting, fishing, and trapping are very much a part of Indian culture and Indian heritage and Indian rights. And it is something that

I want to work very hard to maintain and keep these rights for Indian people. But I also know that there are some problems.

I do know that there are some people who have concerns over certain individuals, in isolated cases, where hunting rights or privileges are abused. And I believe that it is only by working co-operatively with not only the bands and the individuals but with the federation and with the district chiefs, together with colleagues like mine in the Department of Parks and renewable resources, and as well, the wildlife association. And that co-operativeness has to be the order of the day if we are to retain full hunting rights and privileges and yet maintain the wildlife in Saskatchewan as we all wish to do.

Mr. Goulet: — I want to deal with the issue now of economic development and jobs. Last year I raised the issue that 66 per cent of the Indian economic development fund was cut back from 3 million to \$1 million. This year I noticed that it was exactly the same cut-back; that indeed we still were on \$1 million and there was no increase in regards to Indian economic development, although when I look back at the records of the previous minister, that there was going to be great stress put on that.

But that hasn't been the case. It still remains the same. When I look at the fact, when I checked through the year of how well they were getting the mechanisms to get the Indian economic development loans and grants in place, it was very slow — it was very slow moving.

And I am wondering, since I've . . . could you get me a complete copy again, just in writing, on all the economic development loans and grants that have been given out to Indian and Metis people, and also, not only the Indian economic development fund but also in the native economic development program. So I would like that information. So if you could send that to me into the future.

And secondly I would like to say that the affirmative action strategies of the government has been less than adequate. I have raised from time to time the issue of Key Lake and the fact that the legal obligation have not been met in regards to the Key Lake agreement. You mentioned the legal obligations of individuals in relation to fishing, but you yourself as a government have not followed up with the legal obligations.

Some people have even suggested that in regards to Rafferty, a large, huge \$1 billion development, that there should be an affirmative action lease agreement tied to that to make sure that there's a lot of the southern bands, that have been used to construction work and that type of thing, could get part of the jobs and have a definite level, because a lot have the skill levels and so on. But many are worried that they will be only hired for a short term and not looked upon in more long-term permanent jobs.

You have given me figures of 17,000 jobs and so on, but in many those are not permanent jobs, and they're more short-term program, project-oriented type programs. And a lot of people are asking, what commitment do you make to affirmative action

agreements in the North to live up to the legal obligations? And secondly, what are you doing in regards to new program development, such as Rafferty, to make sure that Indian-Metis people are not only promised jobs but that they indeed do get the jobs? What kind of program have you got in that regard?

(1215)

Hon. Mr. Hodgins: — In response to the member's first part of his question, he asked about a specific list for a provincial Indian economic development program, the specific projects. I indeed would be very pleased to send over to you a complete list of approved projects under that program. And it's a list that I look to with a great deal of pride, and I only wished we weren't a little late for lunch and I would very much like to go through and talk about every one of these, every one of these businesses.

And I'm not about to say that every one of them is a success or will be a success, but the overall record is a good one, and the diversity of these businesses is very amazing and we have everything from convenience stores to motor garages, to hotels, steam cleaning businesses, restaurant businesses, electrical businesses, and thoroughbred raising, and on and on down the line.

So at this time, suffice it to say that I congratulate all of those who have been successful in the application for these projects, and I'll be pleased to provide you with that information.

With respect to affirmative action programs and the question the member asks is, what is this government doing to ensure that Indian and native people are employed at such projects as the two power dams of which you speak. I can tell the member opposite, through this department of . . . or the Indian and Native Affairs Secretariat, that we have worked closely with Power in facilitating meetings for Indian people, and indeed there is very much of a recognition by such Crown corporations as SaskPower that more Indian people, Indian native people, should be employed.

I understand those discussions are going very well, and I think the member opposite may look with pride at the Indian and native people that will be employed in Saskatchewan on such projects as the Rafferty dam, as an example.

Ms. Smart: — I'll be brief, Mr. Minister, but I want to raise your attention again to the report that was released yesterday on the unmet needs of the Indian and Metis elderly, and urge you to become familiar with the entire content of that report. It's a very good research project, and it shows that the elderly Indian and Metis people are a whole lot worse off than the seniors in the rest of the population, and they have very, very severe problems, Mr. Minister.

And what I would like from you is a commitment that you will work with the Minister of Human Resources, who's responsible for the Senior citizens' Provincial Council, to see that they get the support they need to carry out the consultation with the Indian and Metis elderly that they have promised that they will do in this report. This is a

very good research report, but the Minister of human Resources has cut the funds for those research projects, has cut that staff back quite considerably, and he will need every bit of pressure on behalf of Indian and Metis people, to see that this report is followed through with.

And I would like a commitment from you that you will take equal partnership, as the minister responsible for the Indian and native secretariat, to see that this report is carried through because we can't have this go on in this province any longer. We have an excellent research report here, and it's up to you to build on it. Have I got that commitment, that you will be concerned for this report?

Hon. Mr. Hodgins: — Well I once again would state that indeed I will pay personal attention to the report, and you may rest assured that I, and the minister in charge of Social Services, will be discussing the contents of the report. I, as I mentioned before, have not had the opportunity. It's a very comprehensive report, but I will be asking for a summary of it very quickly.

And you may rest assured that the concerns that you have for the elderly Indian and native people in the province of Saskatchewan are very much shared by this administration, and we will be looking at the issue in meetings with Indian leaders across the province, and it is an issue that we indeed take very seriously.

Mr. Goulet: — This will be my final summary comment in regards to, you know, your previous comments in the many areas. Number one, I would say that, when we discuss the issue of cultural heritage, I think you have to do a lot of work to make sure that something indeed will be done in regards to the questions of the Indian cultural heritage in this province, not only working at the central level, but also at the local levels, to try and integrate a plan with the museum's approach and so on, to be controlled by the people themselves.

And in regards to the area of land, it has been well stated by the member from Riversdale that again, there is a very deep difference between the treatment of large-scale corporations and the treatment to Indian people in regards to land. When we look at the Conservative government about a hundred years ago, you know, with John A. Macdonald, you have to look at the CPR (Canadian Pacific Railway) and 25 millions of acres of land being given.

When we look at the fact of Weyerhaeuser today, it's about 12 million acres of land. When we look at the needs of Indian people in this province in regards to the rightful treaty land obligation via the 1930 Natural Resources Transfer Agreement (Act), what we are looking at is one-tenth of what Weyerhaeuser is getting — we are looking at one-tenth of the land.

And the question that the member from Riversdale raised was one of fairness. Are we fair? Are we committed? You always fall back to legal obligations, but these are treaty obligations. These are represented in the law courts across Canada, whether you go to the modern Musqueam case, and it shows very clearly that the land entitlement issue is a legal issue and it's a legal obligation.

And to couch a lot of the answers behind just legalism without looking at also the combined history of the spirit and intent of treaties is something that has to be recognized. I'm sure as a new minister you have heard that from time to time, that there is not only a question of just pure legal aspect, but you combine legal aspect with the cultural tradition and history of native people in regards to the overall treaty obligation, the trust responsibility from the federal level and the provincial role in regards to the land transfers agreement. And I'm sure that the minister, being the new minister, is starting to be well aware of the issue.

But I'll be following very closely this coming year in relation to what specific action you will indeed be taking, because commitment is more than promises. We have heard that too often in the past. We have heard too many statements go down the drain and not having been dealt with properly. We would like to see you, as the new minister, deal with these problems of the land issue fairly, because I think that your sincerity is there. But you have to make a commitment and the action, because even as I heard the rumblings as you talked, I knew there was opposition from within your caucus. But I know that you have to deal with it a lot stronger than ever before. Because this issue is something . . . we can't only deal with parks and save our grasslands or our raspberries or whooping cranes, and so on, and not worry about people. We have to be concerned of people. There has to be that commitment to Indian people in this province. And I hope that, as a new minister, you will follow up on the commitment you made today.

I hope that you will not be bought into this date of first survey because it's a ridiculous concept. To me, who would think that the grant system in this province, the municipalities, should be only back in 1905. We look at the population, the per capita situation of the province of Saskatchewan, and say, yes, that is right and fair, Saskatchewan should be only getting federal dollars to the rate that the population was in 1905. We would say that's highly unfair. We want to get the per capita in 1980s and '89, wherever we are into the future.

We also see that in municipal grant systems. We don't say, give the per capita income to what Saskatoon was at the time Saskatoon made its first legal case as being a municipality in this province; we look at what Saskatoon gets in 1988. And that's what we should be working towards in regards to dealing with the land issue on aboriginal people in relation to the land.

Economic development, the same thing. You have to follow up on the legalities of affirmative action. You have to follow the law in that regard. You have to make sure that it's not only a promise for jobs. We've heard that time and time again. We had been successful in the '70s, but now we're backtracking. We're going back to the area where only 1 or 2 or 3 per cent get hired. We want to move it to a higher level — 50, 20 per cent in specific areas.

When we look at cultural . . . the aspect of integrating all the economic land issues with socio-cultural issues, that has to be also considered. They cannot take a back seat.

So with that, Mr. Minister, I would say that there's a lot of expectations on you as a new minister; that hopefully for the first time in the six-year history of the Progressive Conservative government, that we have very definite policies, very definite practices, and very definite timetables to deal with those issues that we've presented today. So we'll be waiting as to what your act will be in the future, Mr. Minister.

Item 1 agreed to.

Items 2 to 6 inclusive agreed to.

Vote 25 agreed to.

The committee reported progress.

The Assembly recessed until 2 p.m.